IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 244 of 2002

For Approval and Signature:

HON'BLE MR.JUSTICE D.N.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

M/S YADUNANDAN CORPORATION

Versus

COLLECTOR OF JUNAGADH

Appearance:

1. Special Criminal Application No. 244 of 2002

MR ANSHIN H DESAI for Petitioner No. 1

RULE SERVED for Respondent No. 1

MRS ML SHAH APP for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE D.N.PATEL

Date of decision: 27/01/2005

ORAL JUDGEMENT

1. Present petition has been filed against the judgment and order dated 1-2-2002 passed by the Sessions Judge, Junagadh in Criminal Appeal No. 73 of 1998, whereby the order of confiscation passed by the Collector, Junagadh District under Section 6-A of the Essential Commodities Act, 1955 dated 19-9-1998 was confirmed whereby 20% of the confiscation was allowed.

2. Learned advocate for the petitioner submitted that the order passed by the Sessions Judge, Junagadh is non-speaking order and no reasons have been assigned by the Sessions Court, Junagadh while deciding Criminal Appeal No. 73 of 1998 and therefore the impugned order passed by the Sessions Court, Junagadh deserves to be quashed and set aside.

3. I have heard the learned advocate for the petitioner and learned A.P.P. for the respondent.

4. Learned A.P.P. mainly submitted that the order passed by the Sessions Court, Junagadh dismissing Criminal Appeal No. 73 of 1998 is absolutely true and correct and in consonance with the facts and law and only 20% of the quantity of groundnut seeds u/s 6-A of the Essential Commodities Act, 1955 was confiscated by the Collector, Junagadh. The said quantity was of 2000 kgs. of groundnut seeds worth Rs.43,100/-. Detailed order of confiscation has been passed by the Collector, Junagadh District on 19-9-1998. Details of the licence have also been pointed out. The order of the Collector, Junagadh District. There are number of irregularities committed by the present petitioner as referred in the order of the Collector, Junagadh and therefore quantity of 2000 kg. of groundnut seeds was seized initially and upon issuance of the notice and after hearing the present petitioner, looking to the facts and circumstances of the case and the documents on record, only 20% of total quantity was seized and confiscated. Even as per the order of the District Court, Junagadh there was no factual or legal error in the order of the Collector, Junagadh District of confiscation of 20% of the seized quantity. Therefore, the order passed by the Sessions Judge, Junagadh is absolutely true, correct and in consonance with the facts and law and requires no interference by this Court in exercise of extra ordinary jurisdiction under Articles 226 and 227 of the Constitution of India.

5. The order passed by the Collector, Junagadh reveals that several irregularities were committed by the present petitioner. Irregularities committed by the petitioner as referred in the order of the Collector,

Junagadh District are serious in nature and out of total quantity of groundnut seeds seized, 20% of total quantity was confiscated u/s 6-A of the Essential Commodities Act, 1955 by the order dated 19-9-1998 passed by the District Collector, Junagadh and the said order was confirmed by the Appellate Court. Therefore, the impugned order passed by the Appellate Court is a well reasoned order. The Appellate Court has arrived at the conclusion that the present petitioner has committed breach of the provisions of the Essential Commodities Act, 1955 as well as the terms and conditions of the licence issued to the petitioner. Therefore, the order passed by the Collector of confiscation of 20% of total quantity seized, is true, correct and in consonance with the facts and law.

6. Looking to the facts and circumstances of the case and the evidence on record, the orders passed by the Appellate Court as well as the Collector, Junagadh require to be not interfered by this Court in exercise of extra ordinary jurisdiction under Articles 226 and 227 of the Constitution of India. There is no substance in this application. Therefore, the present petition is dismissed. Rule is discharged.

(D.N. Patel, J.)

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